

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

§
TRAYSON L. WOODEN, #1653938, §
§
Plaintiff, §
§
v. § Case No. 6:22-cv-290-JDK-JDL
§
BATHRAM C. ONUORAH, et al., §
§
Defendants. §
§

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Trayson L. Wooden, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendants Abayomi Ipoola and Bathram Onuorah's motion for partial summary judgment on the issues of sovereign immunity as to Plaintiff's monetary-damages claim, qualified immunity as to Plaintiff's access-to-courts and retaliation claims, and exhaustion as to Plaintiff's access-to-courts and retaliation claims. Docket No. 42. On August 12, 2024, Judge Love issued a Report recommending that the Court grant Defendants' motion and dismiss with prejudice Plaintiff's retaliation, conspiracy, and access-to-courts claims. Docket No. 44. Judge Love also explained that Plaintiff's excessive-force claim against Defendant Onuorah and failure-to-protect claim against Defendant Ipoola should proceed. A copy of the

Report was mailed to Plaintiff, and the docket indicates he received the Report on August 15, 2024. Docket No. 45. No objections have been received.

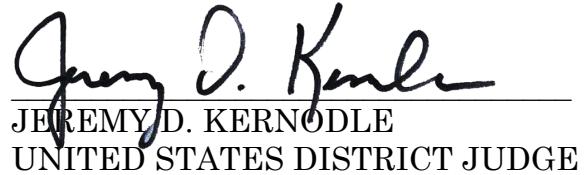
This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, neither party objected in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 44) as the findings of this Court. It is therefore **ORDERED** that Defendants' motion for partial summary judgment (Docket No. 42) is **GRANTED** and Plaintiff's retaliation, conspiracy, and access-to-courts claims are **DISMISSED** with prejudice. Plaintiff's excessive-force claim

against Defendant Onuorah and failure-to-protect claim against Defendant Ipoola remain pending.

So **ORDERED** and **SIGNED** this **16th** day of **September, 2024**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE